

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma, against the Proceedings Rc. No. B2/11227/93, dt.05.09.1994 of the Collector, East Godavari - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 12

Dated:04.02.2013.
Read the following.

1. Proceedings of the District Collector, East Godavari, No. B2/11227/93, dt.05.09.1994.
2. From the orders of APHC., Hyderabad in W.P.No. 17601 of 1994, dated: 01-07-2004.
3. Appeal Petition filed by Smt. Bathu Jnanaratnam, W/o Ratnam Raju and Bathu Kamalabhayamma, East Godavari District, dt. 18-07-2004 before Government.
4. Govt. Memo No. 7522/CV.2/2004, SW (CV.2) Dept., dt.31-08-2005
5. Orders of the Hon'ble High Court of A.P., in W.P.No. 22013 of 2005, dt. 07-10-2005.
6. Govt. Memo. No. 7522/Cv.2/2004, dated 04.02.2006 & 30.06.2006
7. D.O.Lr.No. 7522/CV.2/2004, dated 23.04.2008 and reminders thereon
8. From the District Collector, East Godavari, Ref/C5/ (M)/1540/97, dt. 22-08-2009 & 05.02.2010
9. Govt Letter No. 7522/CV.2/2004, dt.6.3.2010 & 10.6.2010.
10. Govt. Memo No. 7522/CV.2/2004, dt. 01.05.2012 ,20.10.2012 and 21.11.2012
11. Written arguments filed Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma on 19.01.2010 and Written statements on 04.01.2013

ORDER:

In the reference 1st read above the District Collector, East Godavari has issued orders canceling Scheduled Tribe Certificates obtained from the then Tahsildar, Eluru by Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma, R/o. East Godavari District.

2. Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma, have filed WP.No.1760/1994 before A.P. High Court, Hyderabad. In the reference 2nd read above, the Hon'ble A.P. High Court while disposing off the said W.P directed the petitioners to file an appeal petition before the Government within thirty days.

3. In the reference 3rd read above, Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma, have filed Appeal Petition before the Government against the orders of the District Collector, East Godavari. After examining the said Appeal Petition and as per the said High Court directions Government have admitted the Appeal Petition but stay orders on the proceedings of the Joint Collector was rejected while intimating the same called for the Parawise remarks and connected records from the District Collector, East Godavari in the reference 4th read above.

[p.t.o...]

4. In the reference 6th read above, while furnishing a copy of the said High Court direction the District Collector was again requested to furnish the parawise remarks & connected record of Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma. Later the Appellants have filed W.P.No. 22013 of 2005, dt. 07-10-2005 before A.P.High Court, Hyderabad against the Government Memo. No. 7522/CV.2/2004, dated. 31.08.2005. In the reference 5th read above, the Hon'ble A.P. High Court while disposing off the said W.P has passed stay orders on the Proceedings of the Joint Collector, East Godavari No.B2/11227/93, dated 05.09.1994 until finalization of the said Appeal Petition and directed the Government to dispose off the said appeal petition within a period of 3 months.

5. In the reference 8th read above, the District Collector, East Godavari has furnished the parawise remarks and connected records of Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma,

6. The said Appeal Petition has been posted for hearing on 19.03.2010, 25.6.2010, 11.05.2012, 30.10.2012 and finally on 03.12.2012 and the same has been informed to the appellants and they were requested to attend the hearing of the case along with all documentary evidences/ certificates in favour of their community claim in the references 8th and 9th read above. The Appellants were attended for the hearing and argued the case and explained their community status and the Appellants filed written arguments before the Appellate Authority in the reference 10th read above.

7. Government have examined the records and Proceedings of the District Collector, East Godavari dated. 05.09.1994, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences submitted by the Appellants among other things it is observed that the entries in the Adangal of the year 1932 of Gondolu Village and Births & Deaths Register Extracts reveals that the Appellants and their forefathers are resided at Gondolu Village, way back. The statements of large number of Valmiki Caste elders of Gondolu Village shows that the Appellants are residents of Gondolu (V) and belong to Valmiki ST Community and genealogy chart displays the relationship of the Appellants with various Valmiki Tribe families and evidence with the statements of Valmiki Caste of elders. It is also observed that the enquiries made by the District authorities are inadequate to decide the Casts of the Appellants. Further it is observed that on perusal of the written arguments of the Appellants and on perusal of the material papers/ copies of several documents, enquiry reports of the field officers and judgments of Hon'ble High Court furnished by the Appellants which are made available in the File, it is observed that the claim of the Appellants Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma as to their caste as Valmiki is not far away from the truth.

8. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Smt. Bathu Jnanaratnam W/o Ratnam Raju and Bathu Kamalabhayamma and the Proceedings of the District Collector, East Godavari issued in the Roc. No. B2/11227/93, dt.05.09.1994 is hereby set aside, by upholding the ST Valmiki community claim of Smt. Bathu Jnana Ratnam, W/o Ratnam Raju, Smt. Bathu Kamalabhayamma W/o Samuel,

9. The District Collector, East Godavari shall take necessary action in the matter.

10. The records (File bearing No. R.Dis B2/11227/93, dated 05.09.1994 containing pages 226) received from District Collector, West Godavari District, through 8th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)**

To

The District Collector, East Godavri (we) (By RPAD)
(with original records).

Smt. Bathu Jnana Ratnam, W/o Ratnam Raju,
R/o Gondolu (V), Addateegala (M),
East Godavari District.

Smt. Bathu Kamalabhayamma W/o Samuel,
R/o Chavitidibbalu, Y. Ramvaram (M),
East Godavari District.

Copy to:

The Commissioner Of Tribal Welfare, AP, Hyderabad/ the Director, TCR& TI,
AP, Hyderabad.

P.S. to Minister (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER